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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,414	03/12/2004	Carline Smith	090-003	7051
7550 Ward & Olivo Suite 300 382 Springfield Avenue Summit, NJ 07901			EXAMINER VETTER, DANIEL	
			ART UNIT 3628	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/800,414

Applicant(s)

SMITH, CARLINE

Examiner

DANIEL VETTER

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Claims

1. Claims 1-22 and 24 were previously pending. Claims 1, 4, 12 were amended, and claim 24 was canceled in the reply filed February 14, 2011. Claims 1-22 are currently pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 12, 2011 has been entered.

Response to Arguments

3. Applicant's arguments with respect to have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

6. Claim 1, as amended, recites the steps of "querying an awards database to determine whether an awards account is associated with said user, and to determine

whether said user's awards account contains sufficient awards to entitle said user to access awards services; acquiring itinerary data from said user upon a positive determination of said query of said awards database." Analogous claim 12 contains a similar recitation. These limitations appear to require that a check is made for sufficient awards before allowing a user to enter itinerary data. It also appears to be a separate step from the subsequently recited determining if a user has sufficient awards for the itinerary. Examiner has consulted the Specification and can only find reference to this subsequent check for sufficient awards for the itinerary, and not an earlier check before itinerary data is entered (see ¶¶ 0059, 71, 82 of the published application). Accordingly, the specification does not provide support for these limitations and claims 1 and 12 are rejected under § 112, first paragraph. The dependent claims inherit the above deficiencies and, as such, are rejected for the same reasons.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 12-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
9. Claim 12 recites the limitation "said second user" in line 22. There is insufficient antecedent basis for this limitation in the claim. Claims 13-22 inherit the above deficiency and, as such, are rejected for the same reasons.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-5, 7-10, 12-16, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushold, et al., U.S. Pat. Pub. No. 2004/0230481 (Reference A of the attached PTO-892) in view of Block, et al., U.S. Pat. Pub. No. 2003/0055689 (Reference A of the PTO-892 part of paper no. 20081124).

12. As per claim 1, Bushold teaches a method comprising the steps of: interacting with a user via an automated system (§§ 0024); authenticating said user utilizing one or more forms of identification data provided by said user to said automated system (§§ 0024, 32); querying an awards database to determine whether an awards account is associated with said user, and to determine whether said user's awards account contains sufficient awards to entitle said user to access awards services (§§ 0024-25, 32); acquiring itinerary data from said user upon a positive determination of said query of said awards database (§ 0036); querying an itinerary database with said itinerary data and receiving a plurality of itineraries (§ 0036); providing to said user said plurality of itineraries (§ 0036); allowing said user to select an initial itinerary from said plurality of itineraries (§ 0036); querying said awards database and determining if said user's awards account contains sufficient awards for said initial itinerary (§§ 0029, 37); providing to said user an alternative itinerary for which said user's account contains sufficient awards (§§ 0036-37; Figs. 4-5); and allowing said user to select said alternative itinerary (§§ 0036-37; Figs. 4-5).

Bushold does not teach that the system used to interact with a user is an automated interactive voice response system; which is taught by Block (§ 0010). Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is, in the substitution of the automated interactive voice response system in Block for the automated systems used to interface with the user taught by Bushold. The systems share similar purposes and functions, and are both disclosed as processing the same types of user account and travel-related data. It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate an automated interactive voice response system because it is merely the simple

substitution of one known element for another that could be implemented through routine engineering producing predictable results.

13. As per claim 2, Bushold in view of Block teaches claim 1 as described above. Bushold further teaches confirming said selected itinerary (§ 0026).

14. As per claim 3, Bushold in view of Block teaches claim 1 as described above. Bushold further teaches placing said selected itinerary on hold (§ 0026); and providing said user a reference number indicative of said itinerary (§ 0026; Fig. 5).

15. As per claim 4, Bushold in view of Block teaches claim 1 as described above. Block further teaches said user interacts with said automated interactive voice response system utilizing vocal responses (§ 0010); which would have been obvious to incorporate for the same reasons as in claim 1 above.

16. As per claim 5, Bushold in view of Block teaches claim 1 as described above. Block further teaches assigning seats to said user for said selected itinerary (§§ 0110, 290). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to incorporate this feature because it is merely a combination of old elements in the art of travel services. In the combination, no element would serve a purpose other than it already did independently, and one skilled in the art would have recognized that the combination could have been implemented through routine engineering producing predictable results.

17. As per claim 7, Bushold in view of Block teaches claim 1 as described above. Bushold further teaches said itinerary data includes one or more of the group consisting of a departure date, an arrival date, a departure time, an arrival time, departure location, arrival destination, number of passengers, class of service, and seating preference (§ 0036; Fig. 4).

18. As per claim 8, Bushold in view of Block teaches claim 1 as described above. Block further teaches said identification data is biometric data (§§ 0010, 186-92). It would have been prima facie obvious to incorporate voice data as identification data because it is the simple substitution of one type of identification data for another (i.e., the types used by Bushold). Both types of identification data are disclosed in the art as elements to properly discern the identity of a travel customer. Based upon the level of

skill displayed in the references, this substitution could have been implemented through routine engineering producing predictable results.

19. As per claim 9, Bushold in view of Block teaches claim 8 as described above. Block further teaches that the identification data is voice data (§§ 0192, 223); which would have been obvious to incorporate for the same reasons as in claim 8 above.

20. As per claim 10, Bushold in view of Block teaches claim 1 as described above. Bushold further teaches wherein said identification data is at least one of the group consisting of a user's name, a personal identification number, a social security number, a telephone number, a birth date, and a frequent flyer number (§§ 0010, 32).

21. As per claim 12, Bushold teaches a method comprising the steps of: interacting with a user via an automated system (§ 0024); authenticating said user utilizing one or more forms of identification data provided by said user to said automated system (§§ 0024, 32); utilizing said identification data to access an awards account (§§ 0024, 32); querying an awards database to determine whether an awards account is associated with said user, and to determine whether said user's awards account contains sufficient awards to entitle said user to access awards services (§§ 0024-25, 32); acquiring itinerary data from said user upon a positive determination of said query of said awards database (§ 0036); querying an itinerary database with said itinerary data (§ 0036); providing to said user one or more itineraries (§ 0036); prompting said user to select an initial itinerary from said plurality of itineraries (§ 0036); querying an awards database to determine if said user's awards account contains sufficient awards for said itinerary (§§ 0029, 37); providing to said user an alternative itinerary for which said user's account contains sufficient awards (§§ 0036-37; Figs. 4-5); and allowing said user to select said alternative itinerary (§§ 0036-37; Figs. 4-5); prompting said user to ticket or hold said selected itinerary (§§ 0026, 37).

Bushold does not teach prompting said second user to enter baggage data; acquiring baggage data from said second user; and querying a baggage database with said baggage data for information in said baggage database; which are taught by Block (§§ 0289-92). It would have been prima facie obvious to one of ordinary skill in the art

at the time of invention to incorporate this feature because it is merely a combination of old elements in the art of travel services. In the combination, no element would serve a purpose other than it already did independently, and one skilled in the art would have recognized that the combination could have been implemented through routine engineering producing predictable results. Bushold also does not teach that the system used to interact with a user is an automated interactive voice response system; which is taught by Block (¶ 0010). Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is, in the substitution of the automated interactive voice response system in Block for the automated systems used to interface with the user taught by Bushold. The systems share similar purposes and functions, and are both disclosed as processing the same types of user account and travel-related data. It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate an automated interactive voice response system because it is merely the simple substitution of one known element for another that could be implemented through routine engineering producing predictable results.

Examiner also notes that in the reply filed August 13, 2009, Applicant traversed the restriction of claims 1-11 from claims 12-22 by setting forth that the inventions are obvious variants of each other. The additions to claim 12 contained the same limitations as the additions to claim 1 in the replies filed February 5, 2010 and February 12, 2011. As such, Applicant's statement on the record clearly indicates claims 12-22 are not patentably distinct from claims 1-11 rejected above, and are therefore rejected on the same grounds for the same reasons.

22. As per claims 13-16 and 18-21, Bushold in view of Block teaches the elements of analogous claims 2-5 and 7-10 (see citations and obviousness rationale for claims 2-5 and 7-10 above).

23. Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushold, et al. in view of Block, et al. as applied to claims 1 and 12 above, further in

view of Trader, et al., U.S. Pat. No. 5,854,837 (Reference B of the PTO-892 part of paper no. 20070406).

24. As per claims 6 and 17, Bushold in view of Block teaches claims 1 and 12 as described above. Bushold in view of Block does not teach that the user is transferred to an operator upon request; which is taught by (col. 1, line 23). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the user is transferred to the operator upon request in order to give the user additional help or information (as taught by Trader; col. 1, line 24). Moreover, this is merely a combination of old elements in the art of providing telephonic services. In the combination no element would have served a function other than it already did independently, and one skilled in the art would have recognized that the combination could be implemented through routine engineering producing predictable results.

25. Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushold, et al. in view of Block, et al. as applied to claims 1 and 12 above, further in view of Lambert, et al., U.S. Pat. No. 6,282,649 (Reference D of the PTO-892 part of paper no. 20070406).

26. As per claims 11 and 22, Bushold in view of Block teaches claims 1 and 12 as described above. Bushold in view of Block does not explicitly teach said awards database is a look-up table; which is taught by Lambert (col. 1, line 58). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate said awards database is a look-up table in order to identify a user and his/her access authority (as taught by Lambert; col. 1, lines 58-60). Moreover, this is merely the simple substitution of one type of database (the LUT in Lambert) for another (the database in Bushold), that could have been implemented through routine engineering producing predictable results.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

28. Sheldon, et al., U.S. Pat. Pub. No. 2002/0111859 (Reference B of the attached PTO-892) integrates automated transaction processing systems with online customer service systems to operate and maintain a loyalty program based on awards, redemption, and multi-channel customer communications.
29. Kennard, U.S. Pat. No. 7,076,446 (Reference C of the attached PTO-892) relates to systems and methods for award program participants to redeem mileage awards when such a participant's accumulated award mile total is less than required number of award miles necessary to redeem a set or posted award.
30. Postrel, U.S. Pat. No. 6,594,640 (Reference D of the attached PTO-892) relates to electronic bartering systems that allow users to trade or redeem reward points, such as those already accumulated in airline frequent flyer programs, into an account for redeeming products and services offered over the Internet.
31. Storey, U.S. Pat. No. 6,009,412 (Reference E of the attached PTO-892) relates to an on-line, interactive frequency and award redemption program which is fully integrated.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL VETTER whose telephone number is (571)270-1366. The examiner can normally be reached on Monday - Thursday 9am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANIEL VETTER/
Examiner, Art Unit 3628